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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KESACK, DANIEL

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/804,851	<b>Applicant(s)</b> SANKARAN ET AL.	
	<b>Examiner</b> Daniel Kesack	<b>Art Unit</b> 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-35 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-35 and 38-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. This office action is in response to the amendments and remarks filed December 10, 2007. Applicant's arguments have been fully considered. Claims 21-35, and 38-41 are currently pending. The rejections are as stated below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 21-35, and 38-41 rejected under 35 U.S.C. 103(a) as being unpatentable over Their et al., U.S. Patent No. 7,130,822, in view of Heimermann et al., U.S. Patent No. 7,110,976.

Claims 21, 35, 38-41, Their discloses a budget planning system and method comprising:

receiving first data input that specifies a spending capacity for at least a portion of the organization (column 2 lines 54-66 – financial planning models and corporate targets), and creating and storing the spending capacity data in a public area, wherein the spending capacity data defines the spending capacity based on the first data input data (column 3 lines 1-5 – target data is stored within budget planning system, and stored in templates which are accessible by everyone in the hierarchy)

receiving second data input that specifies one or more planned expense allocations for the portion of the organization (column 3 lines 4-10 – contributors enter detailed forecast information forecasting expenses), and creating and storing planned expense data in a private area wherein the planned expense data defines the one or more planned expense allocations based on the second input data (column 4 lines 59-62, column 5 lines 56-58 – contributor saves template and data cube to budgeting system and column 6 lines 41-47 – completed templates are stored in private area where they are only accessible by a user who is higher in the hierarchy),

determining whether the planned expense data exceeds the spending capacity data and storing the planned expense data in the public area only when the planned expense data does not exceed the capacity data (column 5 line 62 – column 6 line 5).

Their fails to teach automatically determining whether the planned expense data exceeds the spending capacity data, storing the planned expense data in the public area only when the planned expense data does not exceed the spending capacity data, and otherwise transmitting notification that the planned expense data exceeds the spending capacity data.

Heimermann discloses a system and method for providing funding approval associated with a project based on a document collection. Heimermann is especially concerned with automating the process of budgetary approval (claim 2). Heimermann teaches automatically determining whether a planned expense data exceeds a spending capacity data, and automatically accepting the planned expense if it does not exceed the spending capacity (column 27 line 65 – column 28 line 11), and otherwise transmitting notification that the planned expense data exceeds the spending capacity (column 28 lines 12-28). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Their to include the automatic approval or transmittal for review of spending capacity data since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 23, Their teaches the portion of the organization is a department selected by user input from among a plurality of departments of a business (the analyst

inherently selects an outlet when the analyst defines a template for that outlet), and the department is associated with one or more financial plans that are created and stored in the private area based on user input from a business manager of the department (column 3 lines 58-66).

Claims 24, 30, Their teaches developing an object that is related to financial activity of the portion of the organization (column 5 lines 12-15 - nodes), monitoring the object to identify financial activity in the portion of the organization (column 6 lines 48-58 – nodes are monitored for completion), wherein creating the planned expense data is carried out based on the financial activity that is identified from monitoring the object (column 7 lines 9-20).

Claim 29, Their teaches rejecting forecast information and sending the template back to a contributor for modification, upon with the information is changed and saved back to the private area (column 7 lines 56-60).

Claims 31, 33, in addition to the limitations cited above regarding claim 21, Their further teaches hierarchical levels where private areas are only accessible by certain levels, representing the organization, and various sub-organizations, and where each level has its own resource capacity (figure 4).

Claim 34, Their teaches the hierarchical level is associated with at least one spend account (figure 5 - each hierarchical level is given a corporate target).

Claim 22, Their teaches the organization is a business (i.e. Pizza Palace, Inc), the portion of the organization is a department selected by user input from among a plurality of departments of the business (the analyst inherently selects an outlet when the analyst defines a template for that outlet), the department is associated with at least one spend account (the outlet has a budget).

Their and Heimermann fail to teach the spending capacity is a limit on spending by the department and the criterion is satisfied only when a sum associated with the planned expense data does not exceed the spending capacity.

The missing features are obvious next steps to the teachings of Their. It is known in the art of financial planning that the purpose of a budget is to set spending limits. Their teaches rejecting forecast data in view of target data. While it is not explicitly stated, one of ordinary skill in the art would assume forecast data would only be rejected if the forecasted expenses are more than the target expenses.

Claims 25-28, 32, Their and Heimermann fail to teach receiving a request to modify the spending capacity for the portion of the organization, determining whether the request is allowable, and only when the request is allowable, updating the first data that is stored in the public area to reflect the request to modify the resource capacity for the portion of the organization.

In the office action dated August 10, 2007, Examiner took Official Notice that requesting budget increases, which is different from an original budget amount, is old and well known in the art. Applicant's failure to adequately challenge the Official Notice in the subsequent response is taken as admitted prior art (See MPEP 2144.03(C)). Their teaches rejecting forecast data in view of target data. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Their and Heimermann to include requesting an increase in the target data because a contributor entering forecast data may have a reason for differing from the target data which is unforeseen by the reviewer of the budget information. It is desirable that the contributor have a mechanism for requesting different target data. Furthermore, Their teaches a mechanism for sending messages indicating review status, and it would be obvious to include the request and response within these status identifications for the reasons given above.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 21-35, 38-40 have been considered but are moot in view of the new grounds of rejection.



***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Kesack whose telephone number is (571)272-5882. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3691

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted,

Daniel Kesack

March 3, 2008

/D. K./

Examiner, Art Unit 3691

/Hani M. Kazimi/

Primary Examiner, Art Unit 3691